

REMARKS

By this Amendment, new claim 5 is added. Accordingly, claims 1-5 are pending. New claim 5 is supported by the specification as originally filed, for example, page 8, line 31 to page 9, line 2. Thus, no new matter is added.

Reconsideration of the application is respectfully requested.

Claims 1 and 2 stand rejected under 35 U.S.C. §102(e) over U.S. Patent No. 5,928,611 to Leung. This rejection is respectfully traversed.

Independent claim 1 recites *inter alia* providing an applicator comprising at least one absorbent portion, the absorbent portion comprising an exterior surface, and applying adhesive material to the exterior surface of the absorbent portion so that the adhesive material is then absorbed into the absorbent portion of the applicator. It is respectfully submitted that Leung fails to disclose, teach or suggest these claimed features.

The Office Action asserts that the surface of the applicator tip 500 of Leung that is adjacent to the vial 400 is an exterior surface, and that the adhesive material is applied to this "exterior" surface. Applicants respectfully disagree.

As disclosed by Leung, the exterior surface of the applicator tip 500 is the exposed portion of the applicator tip 500 that extends beyond the flexible container 200, i.e., the surface of the dome-shaped portion of the applicator tip 500. See Fig. 3 of Leung. The adhesive material 300 is not applied to the exterior surface of the dome-shaped portion of the applicator tip 500.

As note by the Office Action, when the vial 400 of Leung is broken, the adhesive material contained therein is arguably "applied" to the surface of the applicator tip 500 that is adjacent to the vial 400. However, that surface of the applicator tip 500 is not an exterior surface. The adhesive material only reaches the exterior surface of the applicator tip after

sufficient pressure or force is applied to cause the adhesive to pass through the bulk of the applicator tip.

The surface of the applicator tip 500 adjacent to the vial 400 is clearly an interior surface because the flexible container 200 encloses the bottom portion of the applicator tip 500 along with the vial 400. See, for example, Fig. 3 and col. 7, ln. 66 to col. 8, ln. 4 of Leung.

In view of the foregoing, it is respectfully submitted that Leung fails to disclose, teach or suggest each and every feature recited in independent claim 1. Therefore, it is respectfully submitted that claim 1 is patentable over Leung. Further, it is respectfully submitted that claim 2 is patentable over Leung at least in view of the patentability of claim 1 from which it depends, as well as for the additional features it recites. Accordingly, withdrawal of the rejection of claims 1 and 2 under 35 U.S.C. §102(e) is respectfully requested.

Claims 3 and 4 stand rejected under 35 U.S.C. §103(a) over Leung in view of U.S. Patent No. 6,217,603 to Clark et al. (hereafter, "Clark"). This rejection is respectfully traversed.

It is respectfully submitted that Clark does not make up for the deficiencies of Leung with respect to independent claim 1 as set forth above. Therefore, it is respectfully submitted that claims 3 and 4 are patentable over the asserted combination of Leung and Clark at least in view of the patentability of claim 1 from which they depend, as well as for the additional features they recite. Accordingly, withdrawal of the rejection of claims 3 and 4 under 35 U.S.C. §103(a) is respectfully requested.

New claim 5 is patentable at least in view of the patentability of claim 1 from which it depends, as well as for the additional features it recites.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-5 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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